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JC970 U.S. PTO

Atty Dkt No. PP00926.106
2300-0926.05
PATENT

11017 U.S. PTO
09/887853
06/21/01

REQUEST FOR FILING CONTINUATION/DIVISIONAL APPLICATION

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

☒ "Express Mail" Mailing Label No. EL 847 787 998 US Date of Deposit 6/21/01
I hereby certify that this paper or fee is being deposited with the United States Postal Service
"Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above
and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Patricia K. Humes Patricia K. Humes
(Typed or Printed Name of Person Mailing Paper or Fee) (Signature of Person Mailing Paper or Fee)

Sir:

This is a request for filing a X continuation divisional application under 37 C.F.R.
1.53(b)(1), of pending prior application serial no. 09/558,741 filed on April 26, 2000, of Huston et al for
BIOSYNTHETIC BINDING PROTEINS FOR IMMUNO-TARGETING.

1. X Enclosed is an application filed under 37 C.F.R. 1.53(b)(1). No new matter has been added.
2. Applicant(s) claim(s) small entity status.
3. X The filing fee is calculated below:

A.	Basic Application Fee		\$710
B.	Total Claims 33 - 20 = 13	x \$18	\$234
C.	Independent Claims 2 - 3 = 0	x \$80	0
D.	If multiple claims present, add	\$270	0
E.	Total Application Fee (Total of A, B, C & D)	=	<u>\$944</u>
F.	If small entity status is claimed, reduce Total Application Fee by 50%		<u>0</u>
G.	Total Fee Due (E - F)	=	\$944

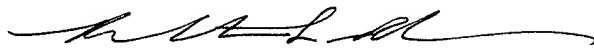
4. X The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-1648.
5. X A check to cover the \$ 944 application fee is attached.
6. X Cancel in this application original claims 1-32, 34-41 and 44-49 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
7. X The inventor(s) of the invention being claimed in this application is (are): L.L. Houston and David B. Ring.
8. X This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.53(b)(1), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application: James S. Huston and Hermann Oppermann.
9. X Amend the specification by inserting before the first line the sentence:
This application is a X continuation ___ divisional of U.S. Patent Application Serial No. 09/558,741, filed April 26, 2000; which is a continuation of U.S. Patent Application Serial No. 08/462,641, filed June 5, 1995; which is a continuation of U.S. Patent Application Serial No. 08/133,804, filed October 7, 1993, now U.S. Patent No. 5,534,254; which is a continuation-in-part of U.S. Patent Application Serial No. 07/831,967, filed February 6, 1992, now abandoned; from which applications priority is claimed pursuant to 35 U.S.C. §120 and which applications are incorporated herein by reference in their entireties.
10. X The prior application is assigned of record by inventors L.L. Houston and David B. Ring to Chiron Corporation and by inventors James S. Huston and Hermann Oppermann to Creative BioMolecules, Inc. Accordingly, as this application names only inventor's Houston and Ring this application is assigned to Chiron Corporation only.
11. X A preliminary amendment is enclosed.
12. X Also enclosed: Blanket Petition for Extension of Time and Authorization to Charge or Credit Deposit Account, copy of Revocation and Power of Attorney signed by Chiron Corporation, copy of Revocation and Power of Attorney signed by Creative BioMolecules, Inc., Information Disclosure Statement and PTO-1449, Request to Use Computer Readable Form, Marked-Up Claims and Currently Pending Claims.
13. X The power of attorney in the prior application is to Robert P. Blackburn, Reg.No. 30,447, Alisa A. Harbin, Reg.No. 33,895, Joseph H. Guth, Reg.No. 31,261, Charlene A. Launer, Reg.No. 33,035, David P. Lentini, Reg.No. 33,944, Kimberlin L. Morley, Reg.No. 35,391, Roberta L. Robins, Reg.No. 33,208, Dahna S. Pasternak, Reg.No. 41,411, and Gary R. Fabian, Ph.D., Reg.No. 33,875.
- a. ___ The power appears in the original papers in the prior application.
- b. X Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c. ☐ Recognize the following individuals as Associate Attorneys: .

d. ☒ Address all future communications to Joseph H. Guth, Esq. at:

☒ CHIRON CORPORATION
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P.O. Box 8097
Emeryville, CA 94662-8097
Telephone: (510) 923-3888
Facsimile: (510) 655-3542.

6/21/01
(date)



(Attorney of Record)
Roberta L. Robins
Reg. No. 33,208

Address of signator:

☐ inventor(s)

☐ assignee of complete interest

☒ attorney or agent of record

☐ filed under § 1.34(a)

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Date of Deposit June 21, 2001

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PATRICIA K. HIMENES
Typed or Printed Name of Person Mailing Paper or Fee

Patricia K. Himenes
Signature of Person Mailing Paper or Fee

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

James S. HUSTON, et al.

Serial No.: CON of 09/558,741

Group Art Unit: 1642

Filing Date: on even date

Examiner: A. Harris

Title: BIOSYNTHETIC BINDING PROTEINS FOR IMMUNO-TARGETING

**REQUEST TO USE COMPUTER READABLE
FORM FROM ANOTHER APPLICATION**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

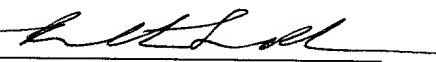
The computer readable form in this application, Continuation of Serial No. 09/558,741, is identical with that filed in application number 09/558,741, filed April 26, 2000. In accordance with 37 CFR § 1.821(e), please use the last-filed computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in

Atty Dkt PP00926.106
USSN: CON of 09/558,741
PATENT

application number and filing date for the computer readable form that will be used for the instant application. A paper copy of the Sequence Listing is included as part of the specification.

Respectfully submitted,

Date: 6/21/01

By: 
Roberta L. Robins
Registration No. 33,208

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PATRICIA K. HUSTON
Typed or Printed Name of Person Mailing Paper or Fee

Patricia K. Huston
Signature of Person Mailing Paper or Fee

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

HUSTON et al.

Serial No.: CON of 09/558,741

Group Art Unit: 1642

Filing Date: on even date

Examiner: A. Harris

Title: BIOSYNTHETIC BINDING PROTEINS FOR IMMUNO-TARGETING

TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The information listed on the accompanying Form PTO-1449 may be material to the examination of the above-identified application. A completed Form PTO-1449 listing the references accompanies this paper.

All references are of record, or have been submitted in related application serial number 08/462,641 from which the present application claims priority under 35 U.S.C. §120. Thus, pursuant to C.F.R. §1.98(d), copies of the references are not included.

Applicants would appreciate the Examiner's initialing and returning the form to indicate that the references have been reviewed and made of record in the present application.

This Information Disclosure Statement under 37 C.F.R. §1.97 is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

[illegible]

Date: 6/21/01

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